



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,954	01/09/2004	Kathleen M. Smith	ST8777US	8832

22203 7590 04/06/2005

KUSNER & JAFFE
HIGHLAND PLACE SUITE 310
6151 WILSON MILLS ROAD
HIGHLAND HEIGHTS, OH 44143

EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,954

Applicant(s)

SMITH ET AL.

Examiner

Yogesh C Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanaka et al. (US Patent 5,696,686), hereinafter, referred to Sanaka.

Regarding claim 1, Sanaka discloses an information management system (see system 10 in FIG.1) for tracking instruments, comprising:

at least one instrument tracking client, each instrument tracking client installed on a respective general purpose computer (see at least "100 Existing Supervisory controller" in Fig.1 and Fig.2 (a) which corresponds to a computer with a client program installed to communicate with other server/computer via communication network, see also col.4, line 64-col.7, line 28) ;

at least one antimicrobial treatment device (see at least " 15 Sterilizer " in Fig.1 which corresponds to antimicrobial device, also see col.4, lines 50-57; and

a communication server interface in communication with the at least one instrument tracking client and the at least one antimicrobial treatment device (see at least " 20 Supervisory Controller Sterilizer Monitoring Node" in Fig.1 which

Art Unit: 3625

communicates with "15" via "25 Sterilizer Controller" and "100"), said communication server interface programmed to:

- request data from the at least one antimicrobial treatment device,
- transmit requests from the at least one instrument tracking client,
- receive data from the at least one antimicrobial treatment device,
- receive requests from the at least one instrument tracking client, and
- transmit data to the at least one instrument tracking client (for all above functions, see at least col.7, line 30-col.9, line 34 which discloses that the "20 Supervisory Controller Sterilizer Monitoring Node" communicates to request and receive data from the sterilizer controller "25" and also engages in two way communication with the Supervisory controller "100" [corresponds to tracking client as analyzed above] to transmit and receive requests and data.

Regarding claim 2, Sanaka discloses that the information management system according to claim 1, wherein said communication server interface includes a communication server installed on a general purpose computer system (see at least "60 Steri Server", which is a communication server and part of "20" [corresponds to a communication server interface as analyzed above].

Regarding claim 4, Sanaka discloses an information management system according to claim 1, wherein said system further comprises a computer network for connecting said respective general purpose computer system with said

Art Unit: 3625

communication server interface (see at least col.7, lines 30-44 wherein the Arcnet Interface Card 21, Arcnet Hub network devices 99a and 99b provide communication, See Figs 2(a) and 2(b)) .

Regarding claim 5, Sanaka discloses that the information management system according to claim 1, wherein said antimicrobial treatment device is selected from the group consisting of a sterilizer and a washer (see col.4, lines 50-64, which discloses that said antimicrobial treatment device is a sterilizing device).

Regarding claims 6-9, their limitations are closely parallel to the limitations of claims 1-2 and 4-5 and are therefore analyzed and rejected on the same basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanaka as applied to claim 2 above, and further in view of Mukherjee (US Patent 6,314,415).

Regarding claim 3, Sanaka does not disclose that said communication server in claim 2 is implemented as at least one of a Component Object Model (COM), a

Art Unit: 3625

COM+, and a Distributed Component Object Model (DCOM). However, Mukherjee discloses use of Component Object Model (COM), a COM+, and a Distributed Component Object Model (DCOM) (see at least col.5, lines 23-46 and col.6, lines 37- col.7, line 27) . In view of Sanaka, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Sanaka to incorporate Mukherjee's teaching of using Component Object Model (COM), a COM+, and a Distributed Component Object Model (DCOM) because it will facilitate insertion of components [COM] into various systems and configurations and avoiding redundant and unnecessary information and permit changes to the user interfaces without relying on "hardcoded" software (see Mukherjee, col.2, lines 19-24).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 2003/0083902 A1 to Hehenberger et al. discloses an automated system for management of information distribution of materials associated with sterilization process including a network server and client computers that communicate via a computer network (see at least abstract).

(ii) US Publication 2002/0099572 to Dyckman et al. discloses a communication system for delivering sterilization test results to customers (see at least abstract).

(iii) US Patent 6,558,321 to Burd et al. discloses systems and methods for remote monitoring of medical devices (see at least abstract).

(iv) US Patent 6,522,939 to Strauch et al. discloses a computer system for quality control correlation in automated production line of contact lenses (see at least abstract).

(v) US Patent 6,751,630 to Franks et al. discloses a technique for integration of multiple sources of information and data for medical equipment and facilities so as to permit enhanced data analysis and reporting within , between and among facilities (see at least col.1, lines 5-12).

(vi) US Patent 5,826,239 to Du et al. discloses workflow process management and apparatus and method for implementing resource management in a workflow process management system (see at least col.1, lines 14-17).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Art Unit: 3625

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Yogesh C Garg', written over a horizontal line.

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
March 31, 2005